Campbell. Union and Secesscon.

UNION AND SECESSION.

SPEECH

OF

HON. THOMPSON CAMPBELL,

OF SAN FRANCISCO,

DELIVERED AT SACRAMENTO,

JULY 30th, 1863.

[REPORTED IN PHONOGRAPHIC SHORT HAND, FOR THE SACRAMENTO UNION, BY A. J. MARSH.]

SACRAMENTO:
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SPEECH.

On Thursday evening, July 30, 1863, a large Union meeting was held in the Assembly chamber at the Capitol.

ROBERT ROBINSON called the meeting to order, and C. H. Swift, President of the City Trustees, was chosen to preside.

Judge SWIFT introduced as the speaker of the evening, THOMPSON CAMPBELL of San Francisco who was received with applause.

Mr. CAMPBELL said—Mr. President, Ladies and Gentlemen: It is rather later than I had expected to begin my speech, and I fear that you will be somewhat disappointed in the manner of it, for my speech will be rather argumentative than entertaining; yet I shall ask you to hear me for the cause that we all have so much at heart, and I will get through as quicaly as possible. I am now and have been for several days very much indisposed, and therefore I shall ask your indulgence, not through affectation, but because I believe I shall stand in need of it.

When this most stupendous and wicked rebellion shall have been subdued and its authors consigned to the infamy that awaits them, and when peace, gentle peace, shall have once more spread her wings over our beloved country and the events of the present shall be passed into history, what part will the historian assign in this great drama to the Golden State of the Pacific? The loyal people of California should never for a single moment allow themselves to forget that they are now making their owa history, and that it devolves upon them so to act that the page upon which it is written shall never cause the blush of shame to mantle the cheek of their posterity. The geographical position of California has excluded her from that full share of glory in the present great struggle that her loyal people would otherwise have nobly achieved; but notwithstanding her great distance from the scenes of conflict, many of her noble sons have covered their names with imperishable honor, and are now sleeping the sleep that knows no waking on the very spot where they fell, as freemen should only fall, under the flag of their country and with their faces to her enemies. [Applause.] If the loyal heart of California did not falter and grow weak when the skies were darkened with clouds and when the storm raged in its greatest fury, and even the approving smile of Heaven seemed for the time to have been withdrawn from her own great cause, with what unfaltering confidence must it now be animated when victory after victory, triumph after triumph, succeed each other in almost bewildering rapidity, coming as the cheering beams of the morning after a dark and stormy night, gladdening, reassuring and strengthening every loyal heart. [Applause.]

THE RISE OF THE REBELLION.

When, fellow citizens, we look back from the present standpoint of the nation to that day when rebellion first lighted its torch, the day that will forever stand accursed in the calendar of time; and when we consider event after event by which the National intellect has been led on step by step until it has reached that sublime pinnacle where it now reposes before ascending to still loftier heights, breaking shackle after shackle that bound it to the car of slavery [applause], the finger of an overruling Providence appointing, directing and guiding our country forward in the fulfillment of the great destiny which lies before her, must be clearly visible even to the most skeptical and unbelieving. The history of this rebellion will prove not only the great forbearance of the North, but her almost criminal reluctance to recognize the terrible fact that war, civil war had unfurled its bloody banner and was even threatening the Nation's Capital. When the cotton States, through their Legislatures and Conventions, did actually withdraw, so fixed was the Northern mind upon the *indivisible* character of this Union, that it refused to accept the evidence which such alarming acts were calculated to present. But the part of this bloody drama which posterity will be least able to comprehend, is to be found in the proceedings of Congress when the rebel members withdrew from the National Legislature. In the Senate they proceeded in the most defiant, insolent and treasonable manner. They would send the proceedings of their State Legislature declaring that they were no longer members of this Union to the Secretary's desk to be read, which was done without objection! They would then proceed to deliver a valedictory address, announcing the dissolution of the Union and their determination to trample under their feet the flag of their country. The spell that bound the public mind was not even broken by the formation of a hostile Government, with its Capital at Montgomery, and its having seized upon the forts and arsenals of the United States, and torn down the flag and trampled it in the dust. The North all this time was unmoved. She spoke no word, she uttered no cry of alarm. But when the first gun of treason was fired at that glorious flag, twenty millions of freemen sprang to their feet, and, in a voice which struck terror to the whole rebel host and startled the dull ears of despots on their thrones, they uttered the inspiring cry, "To the rescue!" [Cheers.] The spell of that protracted dream was ended. [Applause.]

THE RISE OF COPPERHEADISM.

But such, fellow citizens, had been the political influence which the South exercised in the North, that they calculated with almost absolute certainty upon the co-operation of a great party, with which in times past they had been united with what they supposed were indissoluble bonds. And when they saw these ties of years, in the twinkling of an eye, before they could cry "Behold!" broken, severed, scattered to the four winds of heaven, the whole rebel crew were seized with wonder and amazement, and for the first time the powers of slavery stood abashed, and felt how awful liberty is. [Applause.] And had it not been for the accursed and damnable fires of partisan ambition and wickedness that were rekindled by the emissaries of treason, the last rebel gun would have long since been fired, and the last rebel curse would have long since been uttered against the Government of Washton. [Applause.] It is, then, to this party, calling itself the Democratic party, and to the base, hypocritical and perfidious means to which they have resorted for the purpose of re-establishing themselves in power, though it be upon the ruins of the Union itself, that I now propose first to call your attention.

THE CONSTITUTION.

After the first whirlwind of patriotism, which swept everything before it, had somewhat subsided, and after reverses that, instead of opening should have closed up the Union ranks, had come upon the Federal armies, this party began to operate in favor of the enemy, and to concoct means by which it could, with safety to itself, give them aid and comfort in their hellish undertaking. It was suddenly discovered by this party that all the means adopted by the Administration for the purpose of meeting and crushing this rebellion were unconstitutional—were not only not authorized by the Constitution, but were in direct violation of that sacred instru-

ment—and that (which perhaps was the most remarkable feature in the case) the more effective a measure of the Administration was, and the more destructive upon the authors of the rebellion it was, the more clearly in the sight of this patriotic party was its unconstitutionality. [Applause.] This party has taken refuge behind certain peace provisions of the Constitution, and it seeks to defend itself and all its acts under what it terms the rights and privileges conferred upon citizens by the Constitution of their country. Now, fellow citizens, you will bear with me while, perhaps at some length, I examine this question of constitutionality. I first lay down this proposition—that the Constitution of the United States is not only a peace Constitution, but it is also a war Constitution. [Applause.] When the peace provisions of the Constitution cannot be executed, then the war provisions of the Constitution step in and enforce their execution. [Applause.] It was an old Roman maxim—"*inter arma silent leges.*" But I will be able, to show, before I conclude my remarks on this point, that the provisions under which this party that is now attacking the Government covertly seek to defend and to protect themselves are the peace provisions of the Constitution, which are intended for a state of peace, but when the country is in a state of war they must give way to the war provisions of the Constitution, otherwise the Constitution and the Government would have no means to defend itself—and that is the argument and that is the point which they seek to establish. [Applause.]

PEACE PROVISIONS.

Now I think I will be able to show that, instead of the Government of the United States being a weak Government, having no constitutional means or inherent power within itself to preserve and perpetuate itself, it is one of the strongest Governments that the world has ever seen, that the Constitution is vital in every part, that it is incapable of annihilation, that it contains untold powers of self-defense which only require circumstances, emergencies and exigencies like the present great rebellion to call them into full, perfect and armed action. [Applause.] I have stated that there are provisions in the Constitution that are peace provisions; now I propose, fellow citizens, to direct your attention to those provisions. I then propose to direct your attention to the war provisions of the Constitution; and next I shall call your attention not only to the oath which the President of the United States is required to take, but to the duties which the Constitution devolve upon him to discharge. From these we will be able to justify every measure which the President of the United States has adopted to preserve, protect and defend that sacred instrument. [Applause.] I said I would first direct your attention to those provisions of the Constitution under which that party and those persons who are now making a war upon the Administration seek to defend themselves. The Constitution says:

"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation."

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

"The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it."

Those are what are called the "peace provisions of the Constitution." I now ask your attention to what may be called the "negative powers," that is, declaring what the States shall not do:

"No State shall enter into any treaty of alliance or confederation, grant letters of marque and reprisal, coin money, emit bills of credit," etc.

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless when actually invaded, or in such imminent danger as will not admit of delay."

WAR POWERS.

Then come the powers that are conferred upon Congress, and these I refer to as the war powers of the Constitution:

"Section 8. The Congress shall have power * * * * * * * * to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; * * * * * * and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

In pursuance of the provisions of the Constitution, Congress, as early as the year 1795, passed a law containing the following provision:

"Whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshal in this Act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combination, and to cause the laws to be duly executed."

And on the 3d of March, 1807, a law was passed by Congress which provides:

"In all cases of insurrection or obstruction to the laws either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purpose such part of the land and naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law on that subject."

These are the war powers and these are the Acts of Congress that were in force when this rebellion first began. These are the Acts of Congress under which the President acted, and the provisions of the Constitution which I have read to you are the provisions which authorized Congress to enact those laws which you have also heard read. Then the Constitution devolves these obligations upon the President: First, his oath of office—

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States."

Next, the Constitution says: "The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the service of the United States."

Again—"He shall take care that the laws be faithfully executed."

Now, in the first place, those things which the Constitution denies to a State, every one of them has been done by the rebellious States. The laws in those States

could not be executed. They were in rebellion against the laws. The Constitution provides for a case precisely of the character that I have represented. It contains war powers of the most plenary character. It calls into force the whole military and physical power of the nation for the purpose of executing the laws when the process of law is obstructed, and in order to make it more full and complete it authorizes the President of the United States, as the Commander-in-Chief of the Army and of the Navy, to use this military power to the extent of suppressing either a rebellion or an insurrection. I undertake to say that there is no Government in Europe, with or without a Constitution, that exists now, or ever did exist, that has or had more ample, more plenary, more complete war powers than this Constitution confers upon the President of the United States. [Applause.] This is the defense of the Government. It was said at the beginning of this rebellion, and before it, that although the Government of the United States was powerful, that although it could resist all outside pressure, yet it had no power to overcome an internal convulsion. He who sat in the Presidential chair while the conspiracy against republican government was being entered into, admitted in his message to Congress that if the Southern States did see fit to secede there was no power in the Constitution to prevent it. Now this is the precise doctrine which you hear preached every day by this Copperhead party. This is the doctrine—the Buchanan doctrine—which they seek now to impress upon the public mind of the loyal people of these United States—that every act which the Administration may adopt for the purpose of defending and perpetuating free government is in violation of the Constitution. I say that is carrying out the Buchanan doctrine; it is carrying out the European view in regard to our Government. But we have seen that we have not only a Constitution for peace, but we have a Constitution for war, that has made our adversaries beware of us. [Applause.]

COPPERHEAD ARGUMENTS.

Now, fellow citizens, having stated this proposition, and having proved it, as I think, beyond all question, let us see what there is in their arguments. First—life, property and liberty are three things that are very dear to every American, and they cannot be interfered with unless by due process of law. Now, is this provision of the Constitution intended for a state of peace, or is it intended for a state of war?—or is it compatible with the other powers of the Constitution, which the Government is authorized to call in when the peace powers cannot be executed? If this proposition, if this provision of the Constitution should receive the interpretation which they seek to give it, there could be no such thing as war. When you are called upon to defend your country, your liberty is interfered with. You can be forced to take up arms; you can be forced into discipline. Your liberty as a loyal citizen, then, yields to this war power, on account of the necessity of the case, and on account of preserving to you the very right which, for the time being, you are compelled to surrender. Your property, for military purposes, is liable to be taken, without "process of law," without any judgment of a Court. And your life, if you forfeit it according to military law, may be taken without any process of law, and without any judgment of any Court. So you see that these peace provisions of the Constitution are intended for a time of peace, but are wholly and entirely inconsistent with the other provisions of the Constitution which provide for a time of war.

HABEAS CORPUS.

Again, it is said that the privilege of the writ of habeas corpus shall not be suspended unless in cases of rebellion, invasion or great public danger. Now, you have heard a great deal about this writ of habeas corpus. They grow eloquent on that subject. They tell about the Barons forcing it from King John at Runnymede. We have got a MEADE, too, but he is not a *running* Meade, except when he runs in pursuit of the flying enemy. [Applause and cheers.] I say we have heard about this *ad nauseam*. But what is the provision? Does not it prove the very proposition which I have stated? The writ of habeas corpus shall not be suspended unless in case of rebellion or invasion, or of great public danger. Therefore it is a writ for peace, but in case of war the writ may be suspended. Now look at this proposition. What is the writ of habeas corpus for? In time of peace, when any citizen is imprisoned, he can apply to the proper Judge of a proper Court for a writ of habeas corpus, which is to inquire into the cause of his imprisonment. If his imprisonment is legal, then the writ does not discharge; if his imprisonment is illegal, then the writ will discharge. Now if the country is in a condition where the writ of habeas corpus may be suspended, it implies that arrests are made that are not legal, because if a writ of habeas corpus did issue upon a legal arrest it would not discharge the prisoner. Therefore it is clear and plain that this writ of habeas corpus, this sacred privilege, this English privilege, as we are told it is, was intended wholly and entirely for a time of peace, and its suspension was for the purpose of authorizing a commanding officer charged with the defense and safety of the country to arrest suspicious persons, without legal cause, merely upon suspicion, without any writ being issued and without being able to assign any legal cause; for, as I said before, if there was a legal cause, the writ would not discharge the prisoner. Therefore, it is plain that this provision of the Constitution intended that this great privilege of freemen, as it is a great privilege, should never be refused unless the safety and defense of the country required that it should be refused.

FREE SPEECH FOR TREASON.

But that which vexes their Copperhead souls to the greatest extent is that they are denied that freedom of speech which they say the Constitution guarantees to them. Now the Constitution says that freedom of speech and of the press shall not be abridged. Is this without limitation? Can any person, through mere wantonness and passion, stir up sedition, rebellion and treason against this Government, and the Government itself be powerless to protect itself against the consequences which might follow? Judge Story, the great commentator on the Constitution, has said that this provision of the Constitution hath this limitation—that he shall not disturb the public peace, or attempt to subvert his Government. And in speaking of the freedom of the press he applies the same language, and adds to it, in substance, that if perfect freedom of the press or licentiousness were allowed at all times, even in times of profound peace, it might become not only a great scourge to the nation, but be the very worst of all despotisms. Therefore, we find that when the Constitution speaks of free speech, it means free speech with these limitations. But this is in a time of profound peace; how is it in time of war? and what do they claim? Suppose that a city were besieged, and some person inside of the city should deem that he had a constitutional right to indulge in free speech, and should preach to the troops defending the city to disobey their officers, lay down their arms and surrender the city—would free speech of that character be tolerated? Then, if they would not be permitted in presence of the army to indulge in this freedom of speech, could they effect the same object at a distance by denouncing the war, resisting the conscription, inducing persons that were in the army to desert, crippling the power of the Government, and taking away its constitutional means to carry on the war and put down the rebellion? I ask, can you make any distinction between these two classes of cases?

Now where is this war carried on? They say that the loyal States are in a state of rebellion or a state of war. But this war spreads over the whole country. It permeates every part of this republic. It is in the loyal States that all the preparation to create, to support and to maintain our armies is carried on. If you wish to oppose the war successfully, oppose the means by which it is prosecuted, and the war must certainly very soon come to an end. Cut off the supplies—let Congress refuse to vote supplies for the army, and your brave men that are now defending the Constitution and the Government of your country would very soon be compelled to lay down their arms in the very face of the enemy. Therefore I say what they are contending for is treason in every sense of the word. [Applause.]

VALLANDIGHAM'S TREASON.

Now, fellow citizens, allow me to illustrate. You have all heard of one Vallandigham, as arch a traitor as any there is in Jeff. Davis' army. [Applause.] I

propose, before I go fully into his case, to read to you his record, made before he was arrested, tried by a Court martial, and banished. This Vallandigham made a proposition in Congress to divide this Union into four sections, and to provide for secession. In arranging his sections he divided the free States into three sections, and put all the slaveholding States, including Delaware, into one section, giving that section the controlling power in the Union. And still this party, of which he is a leader, is for "the Constitution as it is and the Union as it was" [Applause and laughter.] In the year 1860, in a speech delivered at the Cooper Institute in New York, Vallandigham declared that if the South should secede he would never vote one dollar whereby one drop of American blood should be shed in a civil war. And he has redeemed that pledge to the very letter. When the enemy was within sight of the Capital he refused to vote one dollar for its defense; and persistently and consistently, from the first day of the rebellion to the present time, he has voted against every appropriation for the support of the army and to crush out this rebellion that was presented to the body of which he was a member. In another speech he declared that before the troops of Ohio should march through his district to coerce the South they should march over his dead body. And again, he made the first proposition that was made in Congress for foreign intervention. But to cap the climax, in another speech of his he defines his position in these words:

"The controversy in this hall has been of a character, and sentiments have been avowed which have caused the North and South to stand arrayed in hostility against each other, and disunion has been threatened. I occupy between these parties a position of armed neutrality. I am not a Northern man. I have no sympathy with the North, and very little good feeling with the North, and I am bound to it by no tie whatever. But I am bound to the South; I am identified with the South and her slave institution; and at this particular time, when she is in the midst of insurrection and murder, and when she is threatened with the torch of the incendiary and has the knife of the assassin suspended over her, I am with her heart and soul"

This man says he was born in Ohio, but he married into treason. [Great applause.] In the speech for which he was arrested and tried in Ohio by Court martial, he uttered the following atrocious and treasonable sentiments:

1. That the war was a cruel and unnecessary war on the part of the United States.

2. That peace might have been obtained by listening to the intervention of France.

3. That military *Marshals* were appointed to deprive the people of their liberties—meaning the execution of the Conscription Law.

4. He counseled the people to resist Burnside's Order No. 38, and that he spit upon and trampled under his feet General Burnside's order.

Besides many more declarations of the same import and character. Now for this he was arrested, and upon his arrest a Copperhead howl went up from one end of this nation to the other. And this is the man who declared these sentiments, and others more atrocious even than these, who, it is said, has been deprived of his constitutional right of free speech. Now what was his defense? He says that he was not in the army nor in the navy, and did not belong to the militia that were mustered into service in time of war or public danger, and therefore he could not be tried under military law. Before his arrest, and to suit the case of persons indulging in treasonable practices, the President of the United States, on the 24th day of September, 1862, made the following proclamation. After reciting that "disloyal persons are not adequately restrained by the ordinary process of law from hindering" the draft of the militia, "and from giving aid and comfort in various ways to the insurrection," it proceeds:

"Now, therefore, be it ordered, that during the existing insurrection, and as a necessary means for suppressing the same, all rebels and insurgents, their aiders and abettors within the United States, and all persons discouraging volunteer enlistments, resisting the militia draft, or guilty of any disloyal practice, affording aid and comfort to the rebels against the authority of the United States, shall be subject to martial law, and liable to trial and punishment by Courts martial or military Commissioners."

That was a proclamation of the President. This proclamation was made under the powers which the Constitution conferred upon him and which I have read to you this evening, and under the Acts of Congress which I have also read. Now it is for you to decide, it is for every loyal man to decide, whether or not the acts and declarations of Vallandigham, and the speech for which he was arrested and tried, were calculated to give aid and comfort to the enemy. Now, what is treason? Treason is defined by the Constitution. It means the levying of war—the actual levying of war. But when war is once actually levied, then the minutest aid, at the greatest distance from the scene of conflict, is as much treason as those are guilty of who are standing with arms in their hands aimed at the very life of the Government of their country. [Applause.] Was Vallandigham aiding and comforting the enemy when he told his constituents to resist the conscription?—when he told them they were about to lose every right of freemen?—that Marshals were about to be appointed by the Government of the United States to take away their liberty?—when he said he "spit upon" and trampled the order of General Burnside under his feet? I ask you, was he guilty of aiding and comforting the enemy? Was there any other means that he could have adopted to that end that would have been so successful as the very course he saw fit to pursue?

MARTIAL LAW.

They say that the arrest of Vallandigham and the declaration of martial law are without precedent and without a parallel in this free republic. In the first place, on that point, I will submit to you a few propositions that are established by the laws of nations. The right to declare martial law denies the right of the judiciary to issue the writ of habeas corpus. That principle was decided by Judge Leavitt, of the United States Court, at Cincinnati, when Vallandigham was brought before him—or, rather, when they sought to obtain the writ of habeas corpus in his favor. He took the ground—this Judge who was appointed by General Jackson—that when martial law was declared the obligation on the part of the judiciary to issue the writ of habeas corpus ceased and ended, and that if the commanding officer believes, or has good ground to believe, that the safety of the community, the defense or the good of the country, requires it, he is justified in disobeying the writ of habeas corpus. That doctrine was announced in General Jackson's case, when the question was before Congress, by Senator Berrien, of Georgia, a man who was admitted to be one of the ablest lawyers of the whole South. And again, what justifies the declaration of martial law over a community? The known existence of spies and traitors, or the disaffection of any considerable portion of the resident population, whether citizens, denizens or aliens, always justifies a declaration of martial law by the commanding officer. Suppose we should apply that rule to California. [Applause.] Have we any spies and traitors in California? Because if we have spies and traitors in California it would justify the commanding officer in declaring martial law here. [Applause.] Now I apprehend that the only reason why martial law is not declared in California is because there is no present necessity for so doing. But let the war of the rebellion approach the borders of California, and they would very soon find out whether we have any military power in this State, and any determination to maintain the Union and put down every conspiracy against it. [Cheers.]

GENERAL JACKSON'S CASE.

Now what is General Jackson's case? A man by the name of Louallier made a publication in the *Louisiana Gazette*, just before the battle of New Orleans and after General Jackson had declared martial law, in which he condemned the course of General Jackson, charging him with oppression and with tyranny, with unconstitutional oppression in making his order of the 28th of February, an order precisely similar in every respect to the order of General Burnside, which Vallandigham said he "spit upon" and trampled under his feet. General Jackson arrested Louallier, and after his arrest Judge Hall, of the United States Court, directed a writ of habeas corpus to issue in his behalf. Now, mark you, he merely directed the writ to issue; the

writ never did issue. General Jackson, for that, arrested and imprisoned him. Louallier was tried by Court martial and acquitted, and Judge Hall was sent beyond the lines, where neither he nor his writ could give the Commanding General further trouble. [Applause.] Now, I ask you, if President Lincoln has ever done an act equal to that? The writ never issued; but for the mere order directing it to issue, after Judge Hall knew that martial law had been proclaimed, General Jackson arrested and imprisoned him, and even though Louallier was acquitted by the Court martial, he sent the Judge beyond his lines. After the war was over, General Jackson, having successfully defended New Orleans, this same Judge had General Jackson arrested and brought before him and fined him one thousand dollars. This man who had arrested Louallier, and had arrested the Judge for issuing his writ of habeas corpus—when the danger was over, when the defense of the city and the safety of the country no longer required his attention, bowed to the majesty of the peace provisions of the Constitution. [Applause.] Thirty years after this event the Congress of the United States refunded to General Jackson the fine imposed upon him by Judge Hall, and not only refunded the fine, but they justified his act. [Applause.] Now, who did this? The first two States that memorialized Congress to perform this tardy act of justice to General Jackson were Virginia and South Carolina. Seventeen sovereign States memorialized Congress to justify General Jackson in the arrest of Judge Hall and the imprisonment of Louallier. Every Democrat North and South voted for the justification of General Jackson and to refund to him the fine which the Federal Judge had imposed upon him. This principle was then maintained by the Democratic party, but it was a very different Democratic party from that which styles itself the Democratic party of the present day. [Applause.] That was a party which had for its leader the man who proclaimed this immortal sentiment, which, if he had never uttered another word or done another act, should have rendered his name immortal: "The Union must and shall be preserved"—[cheers and applause]—not that there was no power in the Constitution to preserve the Union, but power or no power "this Union must and shall be preserved." [Renewed cheers.]

DOUGLAS ON JACKSON.

Now, among the elements that were conglomerated by the fusion Convention of the 8th of July, there are those who were the followers, the admirers, and the firm political friends of Judge Douglas. To that particular wing of the present fusion I now wish to read what Judge Douglas said upon this question, which is being so much discussed at the present day. This is an extract from Judge Douglas' speech, made when the bill to refund General Jackson's fine was under consideration in the House of Representatives, in 1844:

"He cared not whether General Jackson violated the Constitution or not; he cared not whether General Jackson suspended all civil authority or not. If his acts were necessary to the defense of the country, that necessity was above all law. What were rules of Court but mere cobwebs, when they found an army with cannon at the doors of the Courts, and when they saw the flames encircling the cupola; talk to them about rules of Court, and the formality of proceedings? The man that would do this would fiddle while the Capitol was burning. To defend the country, let him not be told that it was unconstitutional to use the means. If martial law was necessary for the protection of the country, then martial law was legal for that purpose."

J. B. WELLER ON JACKSON.

Now I have another authority which I will read at the present time, although I did intend to postpone it till another part of my speech. I now propose to read you, fellow citizens, what one of the Copperhead Congressional candidates of the fusion party said on that occasion. John B. Weller, in commenting upon the same question, said in regard to General Jackson and in regard to his acts on that occasion: "To have sat down and coolly examined the Constitution to see whether that instrument authorized the act, when lives and property—yea, the honor of the people—were at stake, would be sporting with the highest interest committed to the care of man. To have hesitated when that instrument itself was placed in jeopardy, would have shown that he was unfit for the position in which he was placed." He then says that "for this act of necessity, General Jackson had been denounced as a tyrant and a usurper, and one who tramples upon the Constitution of his country." And again he says that "Judge Hall issued his writ with a full knowledge that his power as a Judge was suspended by the declaration of martial law." Mark that point: that Judge Hall issued his writ with a full knowledge that his power as Judge was suspended by the declaration of martial law.

A PRESCRIPTION FOR J. B.

He then makes this declaration—that "not a man friendly to the American cause was opposed to the declaration of martial law." [Applause.] I commend this chalice to his lips. I bring it back to him, and I tell him that not a man friendly to this Union is opposed to all proper means necessary to sustain this Union. [Cheers.]

IS J. B. A KNOW NOTHING.

But he justifies the arrest of Judge Hall upon a ground which no Democrat at that day took except himself, and it will be highly gratifying to his Know Nothing and Native American friends of the present day, to know that at this early period he uttered the true sentiments of his heart. He exclaims:

"Who asserted that the Constitution had been violated? Who denounced General Jackson as a tyrant and a usurper? Was it an American citizen? Was it a man born on our soil? A man through whose veins circulated American blood? No, sir."

But, he says, it was an unnaturalized foreigner who did this, and therefore he should have been arrested, law or no law. These were his sentiments in 1844. Yes, these were his sentiments while the Native American party were committing churches to the flames in Philadelphia. If these were his sentiments then, his foreign admirers will, perhaps, be a little curious to know the precise time when he changed these opinions. I would suggest that they make this inquiry during this campaign. But as I intend to pay my respects to Mr. Weller in another part of my speech, I will make no further allusion to him at this time.

THE QUESTION SETTLED.

Now, fellow citizens, what was decided in General Jackson's case? First, that martial law could be declared within the limits of this free republic. Second, that General Jackson was justified in disobeying the writ of habeas corpus. Third, that General Jackson was justified in arresting and imprisoning Judge Hall for directing the writ to issue. And fourth, that a commanding officer is the sole judge of the necessity as to whether martial law shall be declared or not. The President, under his solemn obligations to the country, and in the exercise of a sound discretion, proclaimed martial law to the extent which you have heard read, and under that proclamation General Burnside issued his order for the arrest of Vallandigham. They say the arrest of Vallandigham is without precedent and without a parallel. I have shown to you what were the opinions of the people of the United States in the case of General Jackson thirty years after the events, and what were the sentiments of your Democratic party at that time. The act of justice to General Jackson was sustained by seventeen sovereign States, voted for by every Democrat North and South—not merely refunding the fine. General Jackson would have scorned the money—he cared nothing for it—it was to wipe out the stain which that fine had fixed upon his reputation; and the country did wipe it out, and wiped it out for the reasons expressed in the law, and for the reasons which, as we have seen, were assigned in the debate.

GENERAL JACKSON AND NEGRO TROOPS.

Senator Linn of Missouri introduced the bill, General Butler of Kentucky supported it, and in his speech I may refer, as it occurs to me, to one remark which he made, and which is a complete answer to all that is said upon the same question at the present day—that out of the 488 citizens or residents of Louisiana that were in the battle of New Orleans, 208 were free persons of color. General Jackson at that day was willing that negroes should defend the Constitution and the Government of the United States. [Applause.] The citizens of Louisiana were willing to fight side by side with them when their city was threatened to be attacked by a foreign soldiery. But now, when republican liberty is in its greatest peril, when rebellion is rampant in the nation, we are told that this war is to be fought

out, but that men of color shall not fight the battles of the nation. Who says so? Are they men who are themselves willing to fight? No; they are men who will not fight; who recognize no war except a war on the Administration, a war for office; and recognize no restoration except the restoration of themselves to power. [Applause.]

POCKET HABEAS CORPUS.

Then I say that the case of General Jackson, taken in all its bearings, and the judgment of the country rendered upon it thirty years afterwards, in the most violent times of party excitement, justifies the President of the Ucited States in every act and in every arrest that he has made. Talk about the writ of habeas corpus; why, every man carries a writ of habeas corpus in his own pocket. [Applause.] There has not been a single man arrested but could have discharged himself by either renewing by oath his allegiance to the Government of the United States or taking the oath that he had not aided or given comfort to the rebellion, and would not do so. There is the writ of habeas corpus that would discharge him, and that has never been suspended. [Applause.] Who is it, then, that seeks this writ of habeas corpus—this loyal, peace writ of habeas corpus? Is that man entitled to it who refuses to swear allegiance to his Government, and who refuses to take the oath that he has not aided the enemy, and will not aid the enemy? Is that the class, I ask, for which, and on account of which, the Administration is to be condemned for its suspension of the writ of habeas corpus?

MORE PRECEDENTS—"WAIT!"

What has been the practice of the Government in regard to these arrests? Let us see. In 1823, in a time of profound peace, an officer—Colonel Purdy—arrested persons on suspicion of disaffection to the country. He was amerced in damages, and Congress refunded the fine. In 1812 another officer arrested six persons, on suspicion of treason to their country. In a civil action brought against him he was amerced in $9,000 damages, and the Congress of the United States refunded the fine. Now what is the principle that underlies this whole question? In these two cases, where on trial it was shown that the arrest was illegal, perhaps unjust, without probable cause, what is the principle upon which Congress refunded the fines? Why, it is the principle that underlies this whole doctrine. The question is not whether the party arrested is guilty or not guilty, but the question is whether the liberty of a single individual is of more consequence than the preservation of this Union [applause], and whether an officer in the discharge of his duty shall wait until the act of treason is consummated, a city sacked, an army destroyed, before he can constitutionally arrest the traitor. That is the doctrine of the Copperhead party of this nation at this hour. You must wait! It was the doctrine of England in regard to the pirate Alabama, when she was called upon by the Government of the United States for an explanation. After she had been admonished that that vessel was fitting out for hostile purposes, the reply of Lord Russell was that England was a country of law. We had not, however, sufficient evidence upon which to arrest an English subject, or to interfere with an English subject, and therefore we permitted the Alabama to depart, and she is now preying piratically upon your commerce. They must wait till the act of treason is performed. Wait till the traitors in and about Washington or Baltimore, or the traitors in New York, or in California, shall have communicated to the army of the rebellious States the precise position of the Federal army, so that they may attack and destroy them. And if there is any law that authorizes the arrest of such a person it is unconstitutional and the officers must wait till the act of treason is consummated. This is the doctrine advocated by Vallandigham. It is the doctrine of Governor Seymour of New York. This is the doctrine that led to the destruction of millions of property and hundreds of lives by the rioters in New York city, who were acting under the very direction of the Chief Magistrate of their State, and according to his teachings. [Applause.]

NECESSITY.

We hear a great deal said about this law of necessity which they say is the plea of tyrants. Why, you would suppose that the doctrine of necessity was one never heard of before. The fact is, that according to these men there is nothing to be done to defend this Government against traitors in arms that is not entirely new and in direct violation of the Constitution of the United States. Let us see in regard to this law of necessity. Why, even in civil matters the law of necessity is recognized. The Supreme Court sustained the charter of the Bank of the United States on the ground of necessity. Jefferson, as late as 1820, or perhaps later, wrote a letter to one Colvin in regard to General Wilkinson of New Orleans. During the Burr conspiracy Wilkinson had arrested three persons at New Orleans and sent them to Washington for trial. The Constitution of the United States provides that every person charged with crime shall be tried in the State where the crime may have been committed; yet, General Wilkinson sent them from New Orleans to Washington, and there they were turned over to the judiciary, tried and acquitted. This was afterward attacked as a violation of the Constitution. Jefferson, in his letter on the subject, after referring to the general disaffection of the lawyers, the bench and the people at New Orleans, says:

"The safety of the Union and the preservation of the country, all combined, create a law of necessity and self preservation which renders the *salus populi* supreme over the written law."

There was a direct violation of the Constitution, a direct, unqualified and absolute violation of one of its privileges. The party must be tried in the State in which the crime was committed, and yet he says the necessity of the Government—"the safety of the Union and the preservation of the country"—created a law of necessity which rendered the *salus populi*—the safety of the people—supreme over the written law.

General Jackson, in the Florida war, crossed the line into Florida, which then belonged to Spain, pursued the Indians, reduced the Forts of St. Marks, Pensacola and Barancas, for all of which there was no authority in the Constitution. The King of Spain demanded, as King Jeff, in the case of Butler demanded, that General Jackson should be punished for it; but John Quincy Adams, then Secretary of State, in an official reply to the demand, justified the acts of General Jackson on the ground of necessity and National preservation; and there was nothing more heard from the King of Spain. What has England done? She invaded our territory, burned the steamer Caroline, and murdered Durfee—all, too, upon the ground of necessity; and our Democratic Government acquiesced in that necessity. What did England do on another occasion? She entered the port of Copenhagen, a neutral port, seized neutral vessels and appropriated them to her own use, on the ground of necessity, claiming that that neutral power was unable to protect them from the enemy, and if taken by the enemy they would be used against the British Government. But when we ask England to interfere and stop piratical ships from being fitted out in her ports, there was not sufficient evidence to arrest the pirate and punish the person who had undertaken its construction. [Applause.] Now with all these cases before us in regard to the law of necessity, what is the case now presented to our country? Have we any law of necessity here? Are we in any danger? Have we traitors and spies amongst us? Look at our condition when the rebellion commenced. Look at the condition of Washington. Why we were connected by every relation with the rebellious States, by marriages, by commercial ties, by every conceivable tie. Even the Departments at Washington were full of traitors, making out plans to show to the enemy the precise condition and situation of our army, having a mail—a secret mail—regularly running.

REBEL MAILS.

And that reminds me of another of the peace provisions of the Constitution under which they seek to protect themselves in communicating with the enemy, and giving them every kind of information they may desire. They say that under the Constitution private houses and private property shall not be liable to unreasonable searches and seizures. Here are these secret mails, carrying all kinds of contraband information, and when they are seized upon they say the Government has violated the Constitution, because they have not been taken by due process of law. "Why did not you wait till they had departed, and the treason was consummated? Wait till your city is in flames, and then proceed according to constitutional forms." These are the absurd doc-

trines of the party which you are called upon to meet. These are the hypocritical positions which they assume. These are the cries you hear at every corner: "Free speech," "the writ of habeas corpus," "the greatest despotism the world has ever seen." That which will be a marvel to posterity is in what this "despotism" consisted, when men in public Conventions have met to denounce it, unmolested, as the greatest of despotisms. Either these men must have known that what they said was wholly and entirely false, or else they were persons of so little consequence that Government paid no attention to what they did say.

GOVERNOR DOWNEY'S RECORD AND HIS PLEDGES.

I will now, fellow-citizens, direct your attention to the record of ex-Governor Downey, who is a candidate before you for the Chief Magistracy of this State. He was Governor of California once before, but never was elected Governor. He was one of those accidental Governors; and I discover in regard to that class of persons, particularly if they are weak, that after they have once accidentally obtained an office you never can get rid of them forever afterwards. [Laughter and applause.] In May, 1861, immediately after the inauguration of the rebellion, a Union meeting was held in the city of San Francisco, and Governor Downey was invited to attend, He was unable to attend, but he wrote a letter, from which what I am now about to read is an extract:

"I did not then believe, nor do I now, that an aggressive war should be waged upon any section of the Confederacy; nor do I believe this Union can be preserved by a *coercion* policy. The future will reveal the soundness of this position."

Six weeks after he had written this letter he was a candidate before the Douglas Democratic Convention for the nomination for the office of Governor, in which Convention, before the candidates were nominated, a series of resolutions, to which the candidates each respectively pledged himself, were adopted. Among those resolutions were these which I am now about to read, and to these Governor Downey then pledged himself:

"That in this great crisis of the American nation and name, our State will always, as heretofore, faithfully discharge her constitutional obligations to the Union and Federal Government, and as in duty bound will earnestly sustain the constituted authorities at Washington in all measures necessary to defend and protect either against this most unjustifiable and unnatural war.

"That in the present overwhelming crisis, he who would seek, by reviving past partisan issues, to distract the people or to wrest from their honest and patriotic devotion some sordid partisan advantage, is not true to the country nor worthy of the name of an American citizen.

"That we hold our paramount allegiance is due to the Federal Government; that the right of State secession is a dangerous heresy, inevitably destructive of our form of Government.

"That obedience to the constitutional will of majorities is the only safeguard of republican Governments; that we will uphold the constituted authorities, under all circumstances and at all hazards, in maintaining Federal jurisdiction in its sphere, regardless of what party may be in power.

"That Governments are political organizations armed with coercive power, without which they cannot exist; that it is not only no assumption of authority upon the part of Governments, but their positive duty, to exercise such coercive power in order to maintain themselves against either foreign invasion or domestic rebellion." [Applause.]

In May, 1861, Governor Downey was opposed to coercion. He did not believe that this Government could be preserved by the exercise of coercive power. And in six weeks afterwards, as a candidate before the Convention, he indorsed the platform which I have read before you, declaring that it is the duty of the Government, the positive and sworn duty of the Government to exercise all its coercive power for the purpose of putting down the rebellion, of putting down insurrection and every disturbance of a domestic character. Governor Downey was defeated before that Convention; they were not satisfied with his sudden conversion from anti-coercion to coercion. [Applause.] After he was defeated, in 1862, in his last message, he states that in his opinion the Government cannot be preserved. That is the last we hear of Governor Downey until he makes his appearance in the 8th of July Convention. In that Convention, in his speech accepting the nomination, he used this remarkable language:

"It will be a proud position for me, if elected Governor of this State, that I can stretch forth the Executive arm to reach the poorest and the humblest citizen of the State. [Cheers.] It will be a proud moment for me to say, 'For what purpose has a citizen of the State been incarcerated? [Applause and cheers.] Has he been confronted with his accusers? Has he had a trial by jury, as is guaranteed to him by the Constitution and the Bill of Rights?' If the answer is in the negative, then it will be the duty of the Executive, as it is now and should be, to see that these provisions of the Constitution are complied with. [Cheers and applause.] What a proud position do the citizens of the Empire State occupy now amongst the adhering States of the Union. They are in a position where they have one source of power at least to look to for protection, and I am informed that since the inauguration of Governor Seymour the Constitution in this respect in the State of New York has not been trampled upon. [Cheers.] While I shall consider this as my duty, I also regard it as an evidence of the highest loyalty to the Government."

A CASE DIRECTLY IN POINT.

Here is a threat that if he should happen to be elected Governor of this State he will plunge the State immediately into civil war! Now I can direct Governor Downey's attention to a case in point; and I call upon Governor Downey, and I call upon the Copperhead Congressional candidates to answer the question involved. There are twenty Confederate pirates in Alcatraz, this day, without any process of law whatever. [Applause.] They were arrested without process of law; they are held without process of law; and they will continue to be held there, until it suits the convenience of Government to make a proper disposition of them. Now I wish to know from Governor Downey if he is elected Governor whether he will stretch forth his arm and release the men who were taken on board the Chapman, with all the munitions of war necessary for the purpose of preying, not only upon the commerce of the State of California, but upon the lives of her citizens? Will he restore them to their piratical craft? Will he return to them their munitions of war, their revolvers and cutlasses, and convoy them out through the Golden Gate to the ocean, where they can strike the first steamer, rob her, murder her passengers—as was their intention, and the proof is direct and positive—and burn the ship. I ask him to come out plainly. Here is a case at home ready for him. Let him say whether he will stretch forth his puny arm and release the whole piratical crew, in defiance of the Government of the United States. I ask him, if he is honest, if he is manly, if he is bold and has got nothing to conceal, to come out and tell the people of California what he will do with the pirates now held without process of law in Fort Alcatraz. [Applause.]

DOWNEY FINANCIALLY SPEAKING.

A few days ago they issued in his name an address to the people of California. I will merely glance over the document; it is too long to be criticised fully; but there are a few points in it, however, to which I may be permitted to direct your attention. Mr. Downey says:

"Within the last two years more than *two thousand millions* of dollars have been expended, and upwards of *two hundred thousand* of our citizen soldiers have perished on the battle fields or in military hospitals."

And in another part he makes a sordid appeal to the people on the ground that they are to be amerced in most unreasonable taxes. They are willing to allow this Government to be overthrown on a mere question of dollars and cents. That is the appeal which Governor Downey makes to the people of this State—that is the insult which he offers to loyal California! "Two thousand millions!" It is only a few weeks ago that the official statement was published making the expenditure less than eleven hundred millions. The ex-Governor only misstated the truth to the extent of nine hundred millions. But his plea is, "Stop your Admin

istration; let your Government go; place your Government in one scale and your money in the other, and let your Government kick the beam." This is his appeal to the people of California, and this is the appeal of his party all over the nation. I say the man who would barter away his Government for money should wither under the same curse that was pronounced against him who sought to buy the greatest gift of heaven with money—"May his money perish with him" [Great applause] Three hundred millions of dollars of Continental money were issued during the Revolutionary war, without one cent ever having been redeemed. It went out of circulation. It passed away and a great Government sprung up in its place. Who is there now so base as to say that the price we paid for the Government was too great? [Applause.] And suppose it costs five times two thousand millions to preserve and perpetuate this Republican Government, this charter of liberty to generations yet unborn, untold in numbers; suppose that after all that is achieved every dollar is swept out of existence; would not we, would not mankind still be gainers? And yet we have this mercenary appeal made for the purpose of preventing the means of preserving the Government, for the purpose of destroying the very sinews of war. We have this appeal made to us day after day that it is costing too much and that it is more than this Government is worth. The Continental Congress passed a resolution requesting the several States to make the Continental money a legal tender in the different States. And in addition to that they asserted a principle, which was true then and is true to-day; they declared by a resolution that he who would not give his property for the money of the Revolution, dollar for dollar, as gold and silver, should be deemed an enemy of these United States. [Applause.] That was the language of the fathers of the Revolution. And when you hear men denouncing the legal tender law and the currency of the country, remind them of the great principles which our fathers adopted. If it was true then, and necessary to secure the liberties which we now enjoy, it is equally true now, and equally necessary to preserve and protect those liberties.

DOWNEY MINERALOGICALLY SPEAKING.

But Governor Downey goes on and raises another point. He says:

"It shall be my care, under all circumstances, to maintain the miners in the sole and undisputed possession of their claims, undisturbed by any edicts or orders of Federal authority, and exempt from any control or taxation by the Federal Government. I am induced to be thus explicit on this subject from various indications which have recently occurred, foreshadowing a disposition on the part of the present Administration to assert a control over the mines with a view to raise extraordinary revenue for governmental purposes. Such a course of policy will not be tolerated by our citizens, and if persisted in will result disastrously to the material interests of the State. My own opinion is fixed and unalterable, that "*to the miners belong the mines*," and if elected to the Chief Magistracy of the State I pledge myself to employ all the power which the Constitution and the laws may confer on me to the maintenance and enforcement of this policy."

Now it is known that very recently, by some means which are not precisely understood on this coast, an order was issued from Washington that the Almaden mine should be seized, and that the military power should be used, if necessary, for the purpose of transferring it to the jurisdiction of the United States. This order, before its execution, was by the President revoked. Upon that Governor Downey tells the people of this State that their mines are in danger. And he makes an assertion which one would suppose that a man who had been Governor of the State for two years would have been too well informed ever to hazard. He asserts that the mines of this State belong to the State of California, and not to the General Government, and he says that if the General Government attempts to exercise jurisdiction, and he is Governor, he will use the whole power of the State for the purpose of resisting it. Here is a bid for the miners. [Laughter.] The State of California, when she came into this Union, came in under the following condition:

"The State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned."

This compact is binding and inviolable on the part of the State, and yet Governor Downey comes forward and tells us of the decision made by a Secession Judge, which is a part of this principle of theirs of State sovereignty, that the State owns the mines, and the Government has no claim in them. The Government has never interfered with the mines in California, but on the contrary Government has adopted the most liberal policy in regard to them; and if the miners are not better protected by the Government of the United States than they would be if Governor Downey and his party had them in charge, then their prospects are not very flattering. It is nothing but a sordid and mercenary bid for votes, which should be resented by every honorable, loyal, high-minded citizen. [Applause.]

DOWNEY LABORIOUSLY SPEAKING.

Again he goes on to give his reasons why he is opposed to the emancipation proclamation. He says it will bring hundreds and thousands of negroes to the State of California, and thereby ruinously affect the labor of white men. This is another unmanly bid for votes. [Applause.] How are the negroes to get here? How are the slaves of Georgia, Louisiana and South Carolina to come to California, even if they were all free this day? There is no means by which they could get here.

DOWNEY GENERALLY SPEAKING.

To sum up his whole address in a few words, he is bent upon plunging the State of California into a civil war. He is bent upon having a conflict between California and the Government of the United States. If the Conscription law is attempted to be executed here, and is resisted, and if the person or persons resisting is arrested, he says he will stretch forth his arm, with all the military power of the State, and rescue him. He says if the Government attempts to interfere with its property in this State, to tax or to dispose of it in any way, he will bring the State Government in conflict with the General Government. By some means or other, he seems to be determined to produce a civil war in the State of California. Those who vote for John G. Downey will know the consequences to the State that will follow his election; and they who vote for Frederick Low will know that they are voting for a true, loyal man, who will use all the power of the State to maintain, defend and perpetuate this glorious Union. [Applause.]

CONFUSION OF FUSION.

I have a word or two to say in regard to this Copperhead fusion. After reading the platform or resolutions of the Breckinridge party of 1861 and 1862, and comparing them with the resolutions of the Douglas party of the same years, it would seem strange how those men, who were separated as far apart as the poles from one another, could, in 1863, come together. This affiliation was attempted in 1862. The Copperhead Douglas Democrats of that date said: "We have no objections to this affiliation—we rather like it; but we are afraid to do it publicly. If you will come to us privately it will be all right; but we cannot enter into it publicly." Now, one of their candidates for Supreme Judge—and I perceive by looking at the paper this evening that they have withdrawn their Judiciary ticket for the present—a thing that was altogether unnecessary, because if they had waited a few weeks the people would have withdrawn the whole ticket permanently for them [applause]—one of their candidates, as I was about to say, Tod Robinson, for whom personally I have entertained much respect, said in 1862, when talking of the proposed Union with Douglas Democrats: "I am for it. They have fallen down into a ditch, they are trying to climb out, and instead of kicking them back I am in favor of tendering them a helping hand." They have tendered them a helping hand. They have got them clear out of the ditch of the Union, into which Judge Robinson said they had fallen, but I fear they have fallen into another ditch from which neither Tod Robinson, nor all the powers of hell combined, can rescue them, and that is the ditch of treason to their country. [Applause.] But these men understood full well the political

character of the persons they were associating with. It required no platform of principles to enlighten them. They are "Southern sympathizers;" that is the mildest term we can apply to them, and as such they are well known. In your neighborhood, as in every man's; in your square, in your street, all over the country, they have all notoriously expressed their opinions, hostile to this Government, in favor of the Southern Confederacy, praying—those that ever do pray—night and day for the dissolution of the Union. It required no platform, or resolutions, or speeches. Yet these men, making pretensions to Unionism, who declared in 1862 that they would stand by the Government, and that all its coercive powers should be used to crush out this wicked and unjustifiable rebellion, have, notwithstanding all this, sat down to the same table, and extended to well-known Secessionists the right hand of fellowship. Now can you tell me the difference between joining the enemy in the field and aiding and assisting him at the ballot-box? Is it not precisely the same in the effect it is calculated to produce upon the destiny of your country? I say that men with their eyes open, that will do this, men that will do it understandingly and knowingly, would have sat down and supped with Judas after they knew he had the thirty pieces of silver in his pocket. [Applause.]

EVIDENCE OF TREASON.

In the Convention of 1862 the same men spoke, and gave utterance to precisely the same sentiments that they did in the Convention of 1863. This Convention of 1863 nominated, I understand, all Northern-born men, with the single exception of Judge Tod Robinson. I may possibly be mistaken in regard to one or two of the candidates; but, at all events, there was a large fusion, I may say, of Northern men into that Convention. And yet when men rose up in that Convention and said they were rearing up sons to send to the Confederate army to aid in destroying this Government, while they themselves were at the same time living under and enjoying its protection, claiming all the rights, and more than all, that the Constitution guarantees to the most loyal citizen, there was not one loyal voice to be heard in that Convention denouncing the treasonable speech. [Applause.] Oh, how could they endure it? Was patriotism, honor, manhood, all forgotten? Was the spirit of their fathers dead in them? A glorious victory had just been obtained on the bloody field of Gettysburg; the "Keystone" had proven to the world that she is the key of a great arch which traitorous hands can never break. [Applause.] Yet there was not one voice, not one heart full enough of patriotism to announce that single fact, or make the slightest allusion to it, in that whole Convention of three hundred men! And yet they claim to be the party that is ultimately to save this Union. The lion and the lamb, they say, are to lie down together; but when that event takes place the poor Government, which is the lamb, if it does lie down at all with this Copperhead lion, it will only be inside of the lion. [Laughter.]

THAT OATH.

Now, I ask, what loyal man could have listened to the sentiments that were enunciated in that Convention and then go out and support for office the very men who had uttered those sentiments? What loyal man is there in the State of California that can support that ticket? I do not wonder that a conscientious man, as Judge Robinson is, cannot take the oath prescribed by our statute. He has declared that he never will take it (I refer to this because it is a public matter, and he is or was a candidate), and I here state as my deliberate opinion that no man who would sit in that Convention and hear his Government and his section denounced as it was—every species of vituperation that could be uttered by men against the people, among whom he was born, where he was educated, where his fathers are buried—no man who could sit there quietly in his seat and listen to those sentiments, and then go out and vote for those candidates, can take that oath without charging his soul with perjury. [Applause.] He is aiding and comforting, and the oath is that he will not aid and comfort; he is aiding and comforting in every way and by every means in his power those who are in rebellion against this Government. He is weakening the power of the Administration—weakening the Union cause. Take away the means by which this war is prosecuted, and the rebellion will be a success, and republican institutions will be a failure. Then, I say, they are right in not taking this oath. As long as it was confined to swearing to support the Constitutions of the United States and of the State of California, they would take that oath three times a day; there was a wide margin for mental reservation and construction; but when you come to swear that you have not aided and will not aid the rebellion, that involves a fact susceptible of proof, and no mental reservation will protect him who takes it from the effect of a violated oath which may be made patent and clear. It is no wonder, then, I say, that they refuse to take that oath, because they wish to keep themselves in a position, when the opportunity is afforded, that is, when Downey is elected Governor, if that time ever does come in California, that they can render not only moral but physical aid to those who are in rebelion against the Government. [Applause.]

J. B. WELLER AGAIN.

Now, fellow citizens, I hold in my hand a printed speech, delivered, as it reads on the title page, by ex-Governor John B. Weller, at Petaluma, on the 6th day of June last. It is a defense, a labored defense, of the rebellion. You will perceive that this is a very long speech. There is a great deal in it that should be brought to the attention of the public, and subjected to criticism, because he is a candidate, and if he had not been I should not have referred to it in any manner whatever. But as he is a candidate, and as this is a campaign paper which has been scattered broadcast over the State, there are some points in it to which I wish to ask the attention of the voters of California. In the first part of his speech Governor Weller devotes a great deal of time to the task of proving that the South was justifiable in rebelling against the Government. Now one would suppose that on a proposition of that kind he would have stated Governmental acts that had been oppressive to the South. No such thing. He goes back twenty or thirty years, and he rakes out of the grave all the sayings of the most renowned Abolitionists in the country—of Wendell Phillips, of Garrison, Tappan, Horace Greeley, Helper, and a host of others, giving sometimes one line, sometimes two, and sometimes three or four lines, to a quotation, for the purpose of proving that these men in their speeches uttered such sentiments of hostility against the institution of slavery as justified the South in her subsequent rebellion against the Government. In another part of his speech he is particularly eloquent on the right of free speech. He fills the first part of his speech with these quotations from Abolitionists, and he says that the exercise of this constitutional right of free speech was a just cause for the dissolution of the Union. That is, it is perfectly right to use your free speech to the greatest extent for the purpose of destroying the Union, when the country is engaged in a war against rebellion, but you have no right to use this constitutional privilege when you attack the sacred institution of slavery. That is his argument. [Applause.] Now, all that he has said upon that subject is answered by a single sentence from a speech of Alexander Stephens, of Georgia, who is now Vice President of the rebel Confederate Government. In a speech at Atlanta, Georgia, before the Convention which decreed the State to be no longer a member of the Federal Union, he used these words:

"Pause, I entreat you, and consider for a moment what reasons you can give that will even satisfy yourselves in calmer moments—what reasons you can give to your fellow sufferers in the calamity that it will bring upon us. What reasons you can give to the nations of the earth to justify it. They will be the calm and deliberate judges in the case; and to what cause or one overt act can you name or point on which to rest the plea of justification? What right has the North assailed? What interest of the South has been invaded? What justice has been denied, and what claim, founded in justice and right, has been withheld? Can either of you name to-day one Governmental act of wrong deliberately and purposely done by the Government of Washington of which the South has a right to complain? I challenge the answer."

There was the declaration of a Southern man, the Vice President of the rebellious Confederacy, a man who, since he uttered that speech, has perhaps done more to inflame and fire the Southern mind against the North than any other one hundred men in the whole

Confederacy. Yet, when his State was about to withdraw from the Union, he pointed out the consequences, and challenged them to point to a single Governmental act wherein the North had been unjust to the South, and there was no response to his challenge. Yet Governor Weller, although unable to refer to one single act of the Government, undertakes to justify and excuse the South for the rebellion, because a few men in the North, in a time of peace, exercised the privilege of free speech, and denounced the institution of slavery. For that reason, although in all Governmental acts the North was just to the South, and more than just, still this man, in the midst of this rebellion, undertakes to justify it.

WELLER AS A STATESMAN.

I must necessarily pass over a great deal which I had intended to notice, as it is getting very late, but here is one other point which calls for attention. He says:

"I come now back to the question, Could this war have been honorably avoided? The records of Congress will show that when the venerable and patriotic Crittenden, who fully appreciated the impending danger, came forward in Congress with propositions to adjust the difficulty and save the country from the horrors of civil war, the Republicans gave them a cold reception and finally rejected them."

Now Governor Weller knew, and he could not be ignorant of the fact which he has here suppressed, that at the time when the proposition of Crittenden was rejected, there was in both branches of Congress a large working majority of the Democratic party. [Applause.] The Republicans in both branches were in the minority, and there was a Democratic President. Now upon what principle can a minority be charged with defeating a measure brought forward by the opposite party? Would it not have been fair and just in Governor Weller to have stated to his audience the whole truth; to have told them, "It is true that the party to which I belong had a large majority both in the House and in the Senate, but notwithstanding all that I charge the rejection of that measure of peace upon the Republican party." These are facts which he has not seen fit to disclose. Where is the fairness in making a charge so baseless, so entirely without foundation?

WELLER ON DOUGLAS.

Again he says:

"The Congressional records show, that after the election of Mr. Lincoln, no one labored with more ability and zeal to avert the impending storm than Judge Douglas. He was a member, as I have already said, of the Committee of Thirteen, appointed to draw up some plan of pacification to save the Union, and although he had a proposition of his own, he gave a hearty and cheerful support to the one submitted by Mr. Crittenden. I have recently turned to the debates immediately preceding this war, and I propose to make liberal quotations from his speeches, in order that his friends, who may not have had an opportunity, may see precisely where here he stood. On the 15th March, 1861, in the Senate, he said 'In my opinion we must choose, and that promptly, between one of three lines of policy: First—The restoration and preservation of the Union, by such amendments to the Constitution as will insure the domestic tranquility and equality to the States, and thus restore peace, unity and fraternity to the whole country. Second—A peaceable dissolution of the Union, by recognizing the independence of such States as refuse to remain in the Union without such constitutional amendments, and the establishment of a liberal system of commercial and social intercourse with them by treaties of commerce and amity. Third—War, with a view to the subjugation and military occupation of the States which have seceded, or may secede, from the Union.' In speaking upon these propositions, he says: 'The *first* is the best and the *last* is the worst.'"

Now, Senator Douglas made this speech on the 15th day of March, 1861. It is true that several of the States had then formally withdrawn from the Union; it is true that they had formed a Government at Montgomery; but they had not levied war against the United States. Judge Douglas supposed, as a great many other true, loyal men at that time did suppose, this whole question, notwithstanding the decided steps that some of the Southern States had taken, could still be settled and compromised, and that war—the last resort—might be avoided. Judge Douglas had just come out of a Presidential campaign. Never was there a period in the history of this country when party animosities ran higher than during that campaign. He did not feel any very great kindness toward the Republican party; that party had defeated him and destroyed the hope of his life. But that which Governor Weller has forgotten—that which, in justice to the memory of Douglas, it was his duty to have remembered before his audience if he did not intend by this isolated quotation to fix upon the memory of Douglas the stain of treason—I will now read. It was Governor Weller's duty to have brought before the country his whole record upon the proposition he was discussing. After Fort Sumter had been fired on, and the whole country sprung to arms, Judge Douglas was amongst the first to take his position on the side of his country. He immediately went to Illinois, his own State; the Legislature was then in session at Springfield, and he made a strong speech there in favor of sustaining the Administration—of sustaining the President in putting down the rebellion, no matter at what cost. From there he went to Chicago, and as if to satisfy the whole world that the rebellion—the armed attack of rebels upon the flag of his country—had severed every party tie, he addressed twenty thousand of his fellow citizens in the Republican Wigwam, from the very stand where Abraham Lincoln was proclaimed to the people of the United States as the candidate of the Republican party for their President. [Applause.] What did he say there? Listen to his words. They must come to Governor Weller as a voice from the grave, admonishing him to be just to the dead. [Applause.]

"But this is no time for a detail of causes. The conspiracy is now known. Armies have been raised; war is levied to accomplish it. There are only two sides to the question. Every man must be for the United States or against it. There can be no neutrals in this war; only patriots—or traitors. Thank God, Illinois is not divided on this question. [Cheers.] I know they expected to present a united South against a divided North. They hoped in the Northern States party questions would bring civil war between Democrats and Republicans, when the South would step in with her cohorts, aid one party to conquer the other, and then make easy prey of the victors. Their scheme was carnage and civil war in the North. There is but one way to defeat this. In Illinois it is being so defeated by closing up the ranks. War will thus be prevented on our own soil. While there was a hope of peace I was ready for any reasonable sacrifice or compromise to maintain it. But when the question comes of war in the cotton fields of the South or the corn fields of Illinois, I say the further off the better. We cannot close our eyes to the sad and solemn fact that war does exist. The Government must be maintained, its enemies overthrown, and the more stupendous our preparations the less the bloodshed and the shorter the struggle. But we must remember certain restraints on our action even in time of war. We are a Christian people, and the war must be prosecuted in a manner recognized by Christian nations. We must not invade constitutional rights. The innocent must not suffer, nor women and children be the victims. Savages must not be let loose. But while I sanction no war on the rights of others, I will implore my countrymen not to lay down their arms until our own rights are recognized. [Cheers.] The Constitution and its guarantees are our birthright, and I am ready to enforce that inalienable right to the last extent. We cannot recognize secession. Recognize it once, and you have not only dissolved government, but you have destroyed social order, upturned the foundations of society. You have inaugurated anarchy in its worst form, and will shortly experience all the horrors of the French Revolution."

The only reference he has made to Judge Douglas' Chicago speech is in these words: "Here you must allow me to quote from the last speech of Judge Douglas, delivered at Chicago in May, 1861, a few days before his death. This, it will be perceived, is after the attack on Fort Sumter: 'We must not invade constitutional rights. The innocent must not suffer, nor women or children be the victims—savages must not be let loose.'" Here again Governor Weller, by an isolated

extract, by a detached sentence, by suppressing the words of patriotism uttered in the same breath, as you will have seen from the passage I have read, endeavors to place Judge Douglas in a false position. What savages have been let loose? I know of no savages except the savages commanded and led by Albert Pike of Arkansas. But they only scalped the wounded and dying soldiers of the Union. Are these the savages to which Governor Weller refers? Let him explain. Why, if Governor Weller is a fair man—why, if he did not intend to mislead the friends of the dead statesman in the State of California, why did he not read Judge Douglas' dying speech to his countrymen? Why did he not tell them that Judge Douglas, their great leader, said there were but two sides to this question; that there could be no neutrals; they must be patriots or they must be traitors. [Applause.] Where, let me ask, does that single sentence place Governor Weller? Is he on the side of his country? Is he neutral? If he is not on the side of his country, if he belongs to any other party than the one that is for his Government—Judge Douglas says there can be only two—then he comes fully within the denunciatory language of the dead Senator. [Applause.] I commend this to him, and I ask him in the next speech he makes to do justice to Judge Douglas, and not seek to leave the impression upon the public mind that he in his last moments, as the last act of his life, favored the dissolution of this glorious Union. [Applause.] But a few days before his death, Judge Douglas received a letter from one Virgil Heacock of Springfield, Illinois, in which it seems that his course, after war had been levied, after Sumter had been fired upon, after the Capital was threatened and republican institutions placed in jeopardy, had been criticised. They asked him for some explanation in regard to his speeches at Springfield and Chicago. To that letter he replied thus:

"It seems that some of my friends are unable to comprehend the difference between arguments used in favor of an equitable compromise, with the hope of averting the horrors of war, and those urged in support of the Government and the flag of our country when war is being waged against the United States, with the avowed purpose of producing a permanent disruption of the Union and a total destruction of its Government. All hope of compromise with the cotton States was abandoned when they assumed the position that the separation of the Union was complete and final, and that they would never consent to reconstruction in any contingency—not even if we would furnish them with a blank sheet of paper and permit them to inscribe their own terms."

Again, in conclusion:

"If we hope to regain and perpetuate the ascendancy of our party, we should never forget that a man cannot be a true Democrat unless he is a loyal patriot." [Applause.]

He says, in the beginning of this letter, that his friends do not seem to be able to understand the difference between advocating an equitable compromise before the war had been begun, actually levied and waged, and the preservation of the country after there had ceased to be any hope of a compromise, after they had declared that the separation was final and eternal, and that if we would present them with a sheet of paper to write their own terms upon they would not accept it. And still, still we are told that they will come back! Still we are told that we must keep the door open for compromise, notwithstanding that these very men and this very party have been spurned from them with contempt. Why, the "quarry slave, that goes scourged to his dungeon," would feel some glow of manhood creeping through his broken, crushed, degraded spirit, were he so scorned and spurned as they have been by those owners of slaves. [Applause.] Thus much I have considered due to the memory of the dead statesman, who died as pure a patriot as any who ever shed his last drop of blood on the battlefields of our country. [Cheers.]

WELLER ON VALLANDIGHAM.

Governor Weller refers to Vallandigham as an illustration of the despotism of this Government. As I have already considered the case of Vallandigham in full, I will pass over that part of his speech. It is only necessary for me to say that he is in full sympathy with Vallandigham; that he considers him an oppressed person, deprived of one of the chief guarantees of the Constitution; and if he does so sympathize with him, he must sympathize with him in every sentiment which I have read to you to-night which Vallandigham uttered; because no loyal man could feel any glow of sympathy for any record such as Vallandigham presents to the world. [Applause.]

WELLER ON SUBJUGATION.

Governor Weller says: "These men of the South believe that we have invaded their country to strip them of their property, reduce their wives and children to beggary and fasten the chains of slavery upon them. Can Americans, entertaining such sentiments, be subjugated? Can a people, who think and feel that they are fighting for all that makes life desirable, be conquered? No, sir? Never! never!"

Twenty-three millions of Northern men, according to Governor Weller, are unequal to eight millions of Southern men. The Northern man who would utter that sentiment is unworthy of the mother who bore him. [Cheers and great applause.] In the language of Jeff. Davis, he is fit only to be the slave of the owner of slaves; in the language of Hammond of South Carolina, he was born to be a mudsill, upon which slavery should erect her palatial structures. Let no such man be trusted. [Renewed cheers.]

WELLER'S ACKNOWLEDGED KINDRED.

Here he exclaims, in a glow of proud statisfaction: "I am more fortunate in one respect than many of my countrymen. I have no kindred, to my knowledge, in either army or navy." Fortunate that he has no kindred in the army that is defending the Government of his country! Better had it been for Governor Weller, better for his children and his children's children, to their latest posterity, that before he uttered that sentiment his tongue had cleaved to the roof of his mouth. [Applause.] Oh, no! It was unnecessary to tell the people of California that. If you wish to find his kindred you would not go to the army that is fighting for the Constitution, for all that is dear to mankind, the light and the hope of the world. If you were looking for his kindred you would not look at the long lists of the honored dead that have fallen upon our glorious battlefields that this flag might wave over the spot where they fell forever and forever. [Applause.] Oh, no! But there is another army where you might find them in force, ready for the charge, and that is the great army of office seekers, led on by their veteran relative, who boasts of a service in that army covering a quarter of a century. [Laughter.] There is the place to find his kindred. You might look in vain in the army that is defending the Constitution and the Government against armed treason, against a parricidal rebellion warring upon the best Government the world has ever seen. [Applause.]

WELLER AS AN ARTIST.

He then goes on and draws a picture of some imaginary, manly, noble brother of his, fighting in the rebel ranks, hungry and shoeless. He hears of his death, goes and sheds a few tears, and then complains that for that he is liable to be dragged into a loathsome dungeon, for manifesting sympathy with the rebellion. Then he goes into a sympathetic effusion about some imaginary, noble, manly son, perhaps born in the South, fighting in the rebel army against the Government which furnished his father with bread for a quarter of a century. That imaginary son dies in the rebel ranks, and then his patriotic soul drivels into another burst of tears, and he is again dragged into a loathsome dungeon for manifesting sympathy. Now, all this has a meaning. These imaginary sons and brothers fighting in the rebel army, with relatives in California sending them aid, giving them comfort, all have more than an imaginary meaning. How many Southern men have you in California who take the same ground? They claim to be thirty thousand strong. Governor Weller, then, in his imaginary pictures, is only presenting the case of many Southern men amongst us, claiming for them the right, under the Constitution, of giving all the aid and comfort and assistance in their power to this rebellion. That is the doctrine he announces, and the Government that interferes with them, that arrests them, that says, "You shall not arm your son, you shall not equip and send him to the rebellion to destroy the Government whose protection you are enjoying, because it is aid and comfort to the enemy," Governor Weller says is violating

the Constitution. He says to arrest that man is absolute, unqualified despotism, the worst the world has ever seen. Why, what is taking place in California every day? We have known a rebel General to leave here with his commission in his pocket, to fight against and destroy this Government, leaving his wife and children and his property under the protection of this Government and its laws. [Applause.] We have known repeated instances of this kind. And when they have fought as long as suited them against this Government we have found them returning to California, and taking their places here just as they left them. And they are doing all this, as they claim, under the peace guarantees of the Constitution. Is California neutral territory? Is it the Nassau of the Pacific, where the enemy can be furnished with supplies, from which it can receive every aid in men and money and munitions of war, and no notice is to be taken of it? They will claim it, as Governor Weller in his speech claims it, to be a right which the Constitution of their country gives them. This is the doctrine of the party which we are called upon to meet. This is the doctrine of the party which seeks to obtain control of the Government of the loyal State of California. Thus far our escutcheon is without spot, or stain, or blemish, and with the blessing of Heaven we intend that it never shall, while a single rebel gun is pointed at the citadel of our liberties, be disfigured or blurred with the foul touch of traitors' hands. [Cheers.]

WELLER'S SCHEME.

I will proceed. Governor Weller says he is in favor of an armistice. He announces himself in the beginning as in favor of the dissolution of the Union, and now he is in favor of an armistice. What does that mean? It means a cessation, a laying down of arms. It means more—that you shall enter into a treaty with the rebels against your Government that you shall recognize them as a power. It means disunion; it means treason in its worst shape. [Applause.] Suppose you do have an armistice; what is their plan, as proposed in Illinois? It is to withdraw from the Southern territory our forces, meet upon some neutral ground and agree to a dissolution of the Union. Suppose we do not agree, what then? Where would we be? At the precise point where we started, all our armies withdrawn, all the points so nobly achieved and held given up, and we beginning the war again. They know that nothing of the kind can happen; an armistice means disunion and nothing else. That is the doctrine of Governor Weller, and if you elect him to the Congress of the United States that is the doctrine he will there advocate. [Applause.]

WELLER CLIPS CRITTENDEN.

I have one other proposition in regard to Governor Weller, to which I direct your particular attention. He charges the Union party with having perverted the object of this war. Here it is:

"I must now refer to the avowed object for which this war was to be prosecuted. At the outset, in order that the question might be clearly understood, the following resolution, offered by Mr. Crittenden in the House of Representatives, was adopted with but two dissenting votes: 'That in this National emergency, Congress, banishing all feelings of passion or resentment, will recollect only its duty to the whole country. That this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease.'"

Now, fellow citizens, Governor Weller has cut this resolution in two and given only the last part of it. Here is the first part of it, which he has purposely suppressed:

"*Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the Capital."

This part of the resolution specifically illustrates the first part of Governor Weller's speech, in which he attempts to prove that the North was the cause of the war, and he cuts the resolution in two, because the whole truth would have refuted his argument, showing that the disunionists of the South have caused the war. That part of the resolution would have completely answered all the first part of his speech. Now when a lawyer misreads an authority to a Judge, or suppresses the true point decided, he gains the enviable sobriquet for himself of "pettifogger," and neither the Court nor the profession ever regard any statement either of law or fact which he afterwards may see fit to make. But who passed this resolution? He says it was adopted in the House with but two dissenting voices. Every Democrat in the House except two voted for that resolution, declaring that the disunionists of the South had caused the war, and every Democrat in the Senate except four voted for that resolution. And if I had time I could prove to you that there is not a single word contained in that resolution that has ever been violated by the Administration. They were to carry on the war for the purpose of restoring this Government. They could not foresee the exigencies of the war; they were to use all means necessary for suppressing the rebellion.

THE FREEDOM PROCLAMATION.

The proclamation, that glorious proclamation of the first of January, 1863, has proved itself to be one of the most effective means of suppressing the rebellion that has ever yet been adopted. Yes, on that day a great stone, reddened by the blood of freemen, was placed against the door of the sepulchre of American slavery, and which angels are too weak to roll away. It was for the issuing of that proclamation that they charged the Administration with having perverted the object for which this war was prosecuted. It is unnecessary to go into any investigation or defense of that measure; its effects speak for themselves. It was issued as a military necessity. The door was kept open for a year and a half in order that they might come back, and every day they were getting further away. Every day they were gaining in strength, and the Federal Government was losing in strength. What were the means resorted to for the purpose of bringing them back? Why, a Christian gentleman from the State of California, placed in a high military and civil position, deemed it to be his duty as one of the elements of conciliation necessary to restore and to bring back a revolted State, that he should, in obedience to a law of slavery, suppress a few schools where the poor ignorant children of bondage were being taught to read the "story of the Cross." Can a Union ever be made to stand, can it ever be cemented in the bonds of Christian love and affection, that requires such a condition—that the poor ignorant children of bondage shall never know that the Savior died for them? That is made to depend upon shutting out the light and the hope of Heaven, the only solace of the enslaved, from the rayless path he is compelled to tread through his dark and cheerless life. [Applause.] I say the door was kept open for them, while at the same time they were declaring, in the most insolent, insulting language, that they never, never again would hold communion with the miserable Yankee nation. They made no exceptions; they included the Copperheads, and spurned them, too; but still, still the Copperheads are cringing under the lash and begging them to come back. "Oh, come back," they cry, "and you shall have everything you wish; if you must have slaves, take us; our servitude shall not be involuntary—we are willing slaves! [Applause.] Verily we have served you long and faithfully, and are ready to do it again—only come back!" [Applause.] Such is their language, notwithstanding that they have been spurned with contumely from the very feet of their masters. [Applause.]

WELLER DEFUNCT.

But Governor Weller winds up, and for the fifteenth time in his speech he finds himself in a loathsome dungeon. [Laughter.] He dies there and is buried, and then he writes his own epitaph. [Renewed laughter.] That was altogether unnecessary, because in a few weeks the people will bury him so deep that when Gabriel sounds his last trump he will be the very last to hear it. [Applause and great laughter.] Here is his epitaph:

"Here lies the body of an American who forfeited his liberty and died in prison for refusing to aid in slaughtering nine million men, women and children of

his own blood in order to give freedom to four millions of the African race."

It is possible that quite another epitaph may yet be written for him. And as it would be a pity to lay him to his rest alone, his old friend, the other ex Governor, who has labored with him so long and so faithfully, might, I think, be buried in the same grave. Then their common epitaph might be made to read something like this:

"Here lie the bodies of John B. Weller and John Bigler, two ex-Governors of the State of California, who died of broken hearts, caused by the ingratitude of their country, which, after having furnished them with bread for a quarter of a century, ignominiously cut off the supply, preferring the widows and orphans of the brave soldiers who gave their lives for the preservation of the Union. In life they were united in the glorious pursuit of office, and in death they are not divided." [Applause and laughter.]

LOATHSOME DUNGEON WELLER.

During this speech, Governor Weller has been dragged to a loathsome dungeon very often indeed. It is said to be a curious fact in regard to all those persons who feel that they are guilty of treason to their country, that their sleep is disturbed by horrid visions of prisons and loathsome dungeons, varied occasionally by a very clear view of an ingenious piece of mechanism standing in the background, the patent right for the invention of which is commonly supposed to have been first taken out by one Haman. [Laughter.] I do not pretend to say that this is at all the case with Governor Weller, but certainly in the course of this speech of a few pages he has been imprisoned oftener than any *honest* man I ever knew, within the same space of time. [Renewed laughter.]

ERIN GO BRAGH.

There is one class of men in this State and in our country to whom I desire to address a few remarks. They are the countrymen of Emmett and of O'Connell—two names dear to the friends of liberty in every land—the very mention of which causes the despot on his throne to tremble and grow pale with fear. [Applause.] For some cause which I have never been able fully to understand, since our present great struggle commenced, they have deemed it to be their political duty to support the party that is opposed to the prosecution of this war—to support them at the ballot-box, I mean. It is true that many noble sons of the Emerald Isle have poured out their blood like water in defense of the country that has done so much for them, and that may hereafter do so much for their native land. It is true that their gallant leaders, Corcoran and Meagher, have covered their names with imperishable glory, and the eloquence of their orators is heard in every part of the country, exhorting their countrymen to come forward and save, not only this country, but to save their own, which is imperiled as well, from the consequences of disaster in this great struggle. Now, I have here a document which I wish to read, and I call upon every Irishman to ponder and consider it well before he casts his vote at the next election:

COPPERHEAD CONSPIRACY.

I refer to the conspiracy which the Democratic leaders in New York entered into with Lord Lyons for the purpose of securing the intervention of England and the other European Powers, to bring about a dissolution of this Union. In Lord Lyons' official correspondence with Earl Russell, he states these points:

1. They wished for foreign mediation.
2. They thought it must come at last, but were afraid it would come too soon, which they thought would arouse the war spirit.
3. That interference should be postponed until the Government was in their hands
4. They wished to put an end to the war at the risk of losing the South altogether.
5. They desire that mediation shall come from all the great Powers, and not from England alone.

Lord Lyons adds that "the chiefs now call more loudly for a vigorous prosecution of the war." Can any Irishman read that and not understand the motives by which this party to which they are so much attached, which they have so liberally sustained in times past and intended to sustain again—I say, do not they understand the motives by which they are actuated? In the first place, they told Lord Lyons that if mediation came too soon it might raise the war spirit. But at the same time he says publicly they were crying out for a more vigorous prosecution of the war. At this point allow me to digress a little. There is a party, or has been, in this state, belonging, as a general thing, to what was called the "Cotton Brigade," which made the point against the Administration that the war was not prosecuted with sufficient vigor. When the Federal arms were victorious, then they were for peace, and when there were reverses they clamored for a more vigorous prosecution of the war That is the doctrine of that party. A portion of them, how many I do not know, have fused with the absolute and unqualified Secession party of this State. Now, this fused Copperhead party do not want England to intervene alone. Why? Because they know that that moment every Irishman in this broad land would seize the first gun he could lay his hands on. [Cheers.] "Oh, no," they say; "don't do anything; tell the English not to interfere till we get the Government in our own hands—mark that—and then, by uniting with England, we will produce a dissolution of the Union. We must not let our Irish friends know this, because if the fact were made patent to them they would leave us in a body. And when it comes, let it come with force; bring all the powers of Europe upon us and crush us out; blot us from the map of nations Then it is of no consequence what becomes of the Irishmen. They can be of no more service, and can do us no more harm." Let the Irishmen read this correspondence. I respectfully call upon the *Monitor*, of San Francisco, to place that official correspondence of Lord Lyons before its readers, that they may read and understand, and perceive the gulf into which they are being blindly led, before it is too late to retrace their steps. If there is a nation on earth that should rally, to a man, to the support of this Government, it is the Irish nation. They understand it full well in Ireland. They are coming to our country by thousands. The movement was becoming of such importance that England had to take official notice of it. They thought the United States had recruiting officers there; but it turned out that the Irish people in Ireland understood the nature of the contest here, and what would be the result to them if our republican Government were overthrown. They knew it would only fasten, hopelessly fasten, the chains of despotism upon their own oppressed and bleeding country. They knew full well that the pen with which the epitaph of Emmet is to be written must be made from a feather plucked from the wing of the American eagle, or it will never be written at all. [Applause.] I ask them then to ponder well before they cast their votes for this party which is in complicity with the rebellion. I refer them to the Confederate States Constitution, which disfranchises every man of foreign birth. Let them pay no heed to the emancipation of slaves; the end of this war will open to them new fields of well paid labor that have heretofore been circumvallated by a wall of fire that they never could penetrate. When this war shall have achieved its great purpose, labor will be dignified, and that which God commanded his creatures to do shall no longer be made dishonorable by the decrees of man. [Applause.]

SHALL WE COMPROMISE.

The next question I have to consider is: Shall we compromise? Why the very proposition implies dishonor, disunion and treason. Compromise! If a robber had attacked you, and you had him by the throat and your knife drawn, he might appeal to you—"Hold! we will compromise; I will take one-half of your money and quit." That is the nature of the proposition made. Rebellion is giving way. Yes, "rebellion;" this is no war against the people of the Southern States, or against the independent sovereign States themselves, but it is a war against rebellion, and whether States, people or slavery stand in the way, is of no account whatever; they must get out of the way. [Applause.] There can be no peace with slavery in it. Slavery is already dead, and its carcass at this moment is in an advanced state of decomposition. [Applause.]

RETROSPECTIVE.

The results, fellow citizens, of the last few weeks of the struggle in the East must be cheering to every loyal heart. There is not a corps of ten thousand men left in the rebel army that have not at one time or another

turned their backs and fled before the armies of the Union. [Applause.] For the first time they met freemen on free soil. They invaded the Keystone State, and the result was most glorious to the cause of liberty; they were driven in disgrace to their borders. [Applause.] It was fitting that the second battle of Independence should be fought almost within the sound of that bell which on the 4th of July, 1776, announced to an astonished world that all mankind were born free and equal. [Applause.] I say it was fit that on that day this battle should come to a glorious termination, rebaptizing the nation albeit in blood. And as God set his bow in the clouds as a promise and guarantee that the earth should never be submerged again, so have the freemen of America on the bloody field of Gettysburg made a pledge as immutable that the Government of their fathers shall never be destroyed by traitors. [Applause.] Oh, it was fitting on that day, the Nation's birthday, that the glorious stars and stripes should be once more reflected from the mirrored bosom of the "Father of Waters," from his source to the ocean, and that he should bear on his bosom the glad tidings that the dark shadow which the flag of treason had cast over him was removed forever. [Applause.] The "freedom of the Mississippi," that inspiring battle cry now has a wider, deeper, more significant meaning than attach to mere commercial regulations. It means freedom to all God's creatures—that none but freemen shall hereafter tread that great valley over which he holds sovereign sway and exclusive dominion. [Applause.] It re-establishes that great heaven-born principle of humanity, that none but himself shall be the owner of himself. [Applause.] It is said in regard to this proclamation of freedom, and it is said, too, by loyal people, that if at this day the rebels of the South were to lay down their arms—if Georgia and South Carolina were to lay down their arms and return to their allegiance, every slave there would assume his former condition. I deny that proposition. I say that that proclamation, issued on the 22d day of September, 1862, and affirmed by the second and final proclamation of the 1st day of January, 1863, made free every slave on the territory which it covered. [Applause.] It was a constitutional act of the Government, performed under the constitutional power by the President of the United States, an act which he had a right to perform. It was a military power, growing out of the necessity of the case, which he had a right to exercise. And I s further, that when a man is once made free, there is power on earth that can return him to his former c dition of slavery, except the power of despoti [Cheers.] Then, I say, we will not give up any par this glorious country. It is all, all, the land of Washingt Shall Washington, and Jefferson, and Jackson sl in foreign soil? Shall any flag except our own d flag ever wave over their ashes? [Applause.] A that gallant army of the dead, whose last prayer w that the flag which they turned to look upon for the l time might wave over the spot where they fell fore and forever—shall our plighted faith to them be dis garded and violated? Oh, that gallant crew of Cumberland! If they were to be surrendered to t enemy they would burst their watery cerements, a with their united voice, loud as that last terrible v ley which they poured into the ranks of treas when with colors flying they sank engulfed beneath t waves, would rise high above the storm, crying out up us: "Shame! shame! shame!" [Cheers.] Shall o glorious battlefields be surrendered? Each one will a Santo Campo which the devotees of freedom will vi from every country, as Christian pilgrims do t shrines of the Holy Land. The nation's gratitude w pierce the skies with column upon column in honor the uncoffined dead who died in freedom's cause. Ar oh!

"While the tree
Of freedom's withered trunk puts forth a leaf,
Ever for *their* tombs a garland let it be."

[Applause.]

Our future shall be a future of peace. We shall go in the fulfilment of that glorious destiny which Pro dence has laid before us, strengthening in moral, re gious and civil liberty; and as it is said the angels heaven progress in glory and intelligence as the ceas less ages of eternity roll and roll on, finding no end, shall the great principles of republican governme continue to progress until that great day

"When Nature dies,
And God and angels come to lay her in the grave."

[Applause and cheers.]

The meeting broke up at half-past 12 o'clock, wi cheers for the speaker and for the Union.

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Campbell- Union and Secession.